WHAT THEY ASK ABOUT

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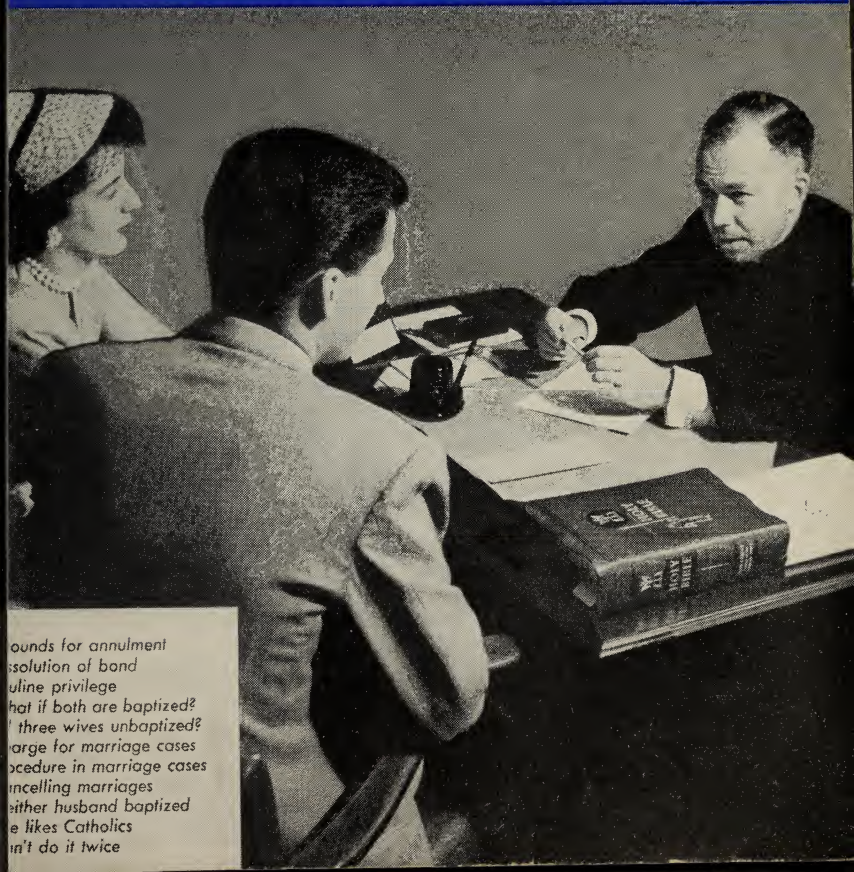
Marriage Cases

By Monsignor J. D. Conway



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By Monsignor J. D. Conway

(Author of: What They Ask About Marriage)

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MARRIAGE CASES

Grounds for annulment — Dissolution of bond—Pauline privilege—What if both are baptized? — All three wives unbaptized?—Charge for marriage cases—Procedure in marriage cases — Cancelling marriages — Neither husband baptized — She likes Catholics — Can't do it twice — Must they give up all religion? — Was it annulled? — Can he become a Catholic? — One mistake — What a woman — That husband — What is their status? — Young fools—My son—Miscellaneous cases.

Q. What are the grounds for the annulment of marriages in the Catholic Church?

A. There aren't any. The Church does not annul marriages. To annul means to nullify—to make something null and void, usually by authoritative decree. It implies that the thing made null had some valid existence, but was invalidated—erased, rescinded—by the decree. The Church cannot do things like that to sacramental marriages. Once valid and consummated they can never be nullified by any power on earth.

Of course I am being technical instead of answering your question. You want to know the grounds for a DECLARA-

TION OF NULLITY. The Church does declare a marriage null when she finds it to be null, as a matter of certain fact. She makes such declaration only after careful investigation. Exact legal procedure is required, and the proof of nullity must be certain beyond reasonable doubt.

This distinction between annulment and declaration of nullity is important. An annulment would be a kind of divorce; but a declaration of nullity is simply a statement of fact. The fact is that this union, which looked like a marriage on the surface, actually never was a marriage. Something essential to marriage was lacking from the beginning. It never was a real contract—never a sacrament.

There are three general types of things which can make a marriage invalid. We may designate them as (A) lack of form, (B) impediment, and (C) defect of consent.

(A) LACK OF FORM. The law of the Church, in Canons 1094 and 1099, requires under pain of nullity that a Catholic must be married before a pastor (or his delegate) and two witnesses. If a Catholic should attempt marriage before a justice of the peace or a minister the marriage would be invalid—no marriage at all.

In cases of this kind the facts are usually easy to prove, and the legal procedure is rather simple. You merely have to prove to the Bishop that (1) you are a Catholic—your baptismal certificate will prove that—and (2) that you were not married by a priest. The great majority of declarations of nullity given in the United States are based on these grounds. We say "he was married outside the Church"; so his marriage doesn't count.

It is possible for there to be a defect in the required form of a marriage, even though it takes place before a priest. But this is rare, and often rather difficult to prove. The procedure, or trial, is long and complicated.

(B) IMPEDIMENTS. There are thirteen different impediments of Church law which not only forbid marriage between certain persons (e.g. cousins) but make the marriage invalid if it is attempted in spite of them. From some of them the Church may grant a dispensation, which removes the impedi-

ment in a particular case and permits the marriage to take place properly and validly. The first three of these impediments are encountered rather often in marriage cases, and are usually easy to prove:

1. *Bond of a previous marriage.* We call this *ligamen.* A man who has a living wife cannot validly take unto himself another. Neither can a divorced woman validly marry another man while her husband liveth.

It is not at all rare that A (feminine) and B (masculine) get married and then divorce, and then A tries a second marriage with C (masculine). This doesn't work out either; so there is another divorce. Now C wants to marry a Catholic girl. He claims his marriage to A was invalid, because A already had a living husband, namely B. Usually the facts can be established. A few marriage certificates, divorce decrees and identification papers will give the proof needed.

2. *Disparity of worship.* A baptized Catholic cannot validly marry a non-baptized person—unless the Church removes this impediment by dispensation.

3. *Blood relationship,* which we call consanguinity. A man may not validly marry his sister, aunt, niece, or cousin within the third degree of blood relationship.

4. *Affinity.* A man cannot marry his deceased wife's sister or mother or daughter (by another marriage). Neither can a widow marry her former husband's brother, father, or son.

5. *Public honesty.* If a man and woman openly live together, even though not validly married, the man may not later marry the woman's mother or daughter. The woman is similarly restrained from marriage to her ex-mate's father or son.

6. *Impotency.* No person can validly enter a contract which he is incapable of fulfilling.

7. *Age.* A girl cannot marry validly until she is 14. Her counterpart must be 16.

8. *Holy Orders.* Imagine a priest trying to get married before another priest and two witnesses.

9. *Solemn Vow* in a religious order.

10. *Kidnapping* for purpose of marriage. A man can't

marry the girl he violently steals and runs away with—even though she might later be willing. He must first set her free.

11. *Crime.* A married woman and her lover agree to get married after the husband passes on to his Maker—or maybe they even scheme to hasten his passing. Their crime is an impediment to their future marriage, even should the husband pass.

12. *Spiritual relationship.* You can't marry your sponsor in baptism, or the person who baptized you.

13. *Adoption.* If the State law prevents your marriage to your adopted brother the Church law agrees. It is rare that State law makes such marriage invalid.

(C) LACK OF FREE AND PROPER CONSENT TO THE MARRIAGE. Marriage is a contract between two parties. There can be no real contract unless both parties give their consent freely—and intend to contract marriage as God established it. The following are the common defects under this heading:

1. *Force or fear.* A person is unjustly coerced or frightened into the marriage.

2. *Agreement, or condition, or definite positive intention (a) against contracting marriage at all, (b) or against the primary purpose of marriage, (c) or contrary to one of the essential properties of marriage.*

That is a complicated statement, but this whole subject of defective consent is complicated. It cannot be made simple. And proof of nullity on these grounds is much more difficult and complicated than the statement.

(a) A person could go through a ceremony of marriage and never really intend to contract marriage at all. He might wish to avoid prosecution on a seduction charge, or simply fool the public into thinking he was married. He speaks the words of marriage, but intends no marriage at all. We call this total simulation. Sometimes it can be proven.

(b) The primary purpose of marriage is the conception, birth, and education of children. A definite agreement at the time of marriage not to have any children, or to limit the number of children MIGHT make the marriage invalid. In

cases of this kind both proof and judgment are extremely difficult, and declarations of nullity are rare. The distinctions are too technical to explain in an answer of this kind, but if the agreement or intention of avoiding children prevents the giving and accepting of true matrimonial rights, it makes the marriage invalid. The ordinary intention of practicing birth control does NOT make marriage invalid. It is simply a mortal sin.

(c) The essential properties of marriage are unity and indissolubility. An example of an agreement, under this heading, which would make a marriage invalid, is this: the bride and groom seriously agree before the marriage that if things don't work out well they will get a divorce and each be free to marry someone else. They are definite and positive about it. They really mean it. So they eliminate indissolubility from their "marriage." But God made marriage indissoluble; there is no other kind of marriage. So in eliminating indissolubility they eliminate marriage itself. (Proving it is something else.)

Q. Recently you stated that the Church never annuls a marriage —only declares one null when she finds it so. But what about a Pauline Privilege? Isn't it an annulment? It dissolves a marriage which once was valid.

A. You would make my face red if I had not deliberately hedged in answering that question previously. I was careful to say that the Church cannot nullify the valid bond of a sacramental marriage once it has been consummated. I hedged because I wanted to avoid the subject you here propose. I did not want to mix two different questions in one answer when that answer was already much too long and complicated.

If a marriage is not sacramental, it is possible for the Church to nullify it under certain circumstances, and for very good reason.

If a marriage is not consummated—even though sacramental—it is possible for the Church to nullify it under certain circumstances, and for very good reason.

However, the Church does not use the word nullify. She dissolves the existing bond. Practically there may not be much difference, but the Church dislikes the word annulment. She finds it almost as unpleasant as the word divorce. Yet in a very true sense, if properly understood, the dissolution of a marriage bond—whether non-sacramental or non-consummated—is a type of divorce.

The non-consummation of a marriage is very hard to prove—even on the rare occasions when it is a fact. But the Church demands that the proof be definite beyond reasonable doubt before she will touch the bond. If it were consummated, she COULD NOT dissolve it. Besides there must always be good, serious spiritual reasons for granting the favor. And only the Pope can grant it.

The dissolution of a non-sacramental marriage is a favor granted to a convert to aid this person in joining the Church and practicing the Faith. Usually it is done by the Pauline Privilege. To understand this we should read the First Epistle to the Corinthians, 7: 12-15. St. Paul has just been stressing the command of the Lord that a wife must not depart from her husband, and a husband must not put away his wife. Then he continues: "If any brother has an unbelieving wife and she consents to live with him, let him not put her away. And if any woman has an unbelieving husband and he consents to live with her, let her not put away her husband . . . But if the unbeliever departs, let him depart. For a brother or sister is not under bondage in such cases, But God has called us to peace."

The Pauline Privilege applies to the marriage of two non-baptized persons. It presumes that one party has received baptism since the marriage and is a convert to the Church. The other party remains unbaptized, and now expressly refuses to be baptized or live peacefully with the convert. When the facts are all proven with certainty the Bishop may permit the convert to marry a Catholic. This second marriage—a sacramental one—dissolves the first, which was only a natural bond—a contract, but no sacrament.

As long as the bond of a marriage remains non-sacramental,

or at least is not consummated after it becomes sacramental, it is possible for the Church to dissolve it. The fact that she can does not mean that she will. She considers such dissolution a favor—not a right. And she will grant this favor only if (1) the facts are clearly proven, (2) there is very good reason for it, which usually means that it will be helpful to individual souls, and (3) there is no scandal or harm to religion which will be caused by it. She cannot grant a favor to individuals if the Church, or society in general, will suffer because of it.

Dissolutions of this kind—except for the Pauline Privilege—can only be granted by the Pope himself.

Q. Can a divorced non-Catholic woman who has never been baptized become a Catholic and marry a Catholic man before a priest? Her husband was never baptized either, and she has not seen or heard of him since their divorce.

A. This looks like a case for the Pauline Privilege. But all facts must be investigated before an answer can be given. Only the Bishop or his delegate can give that answer with authority. The Bishop must know:

1. That this woman is a good sincere convert.
2. That her marriage was apparently valid.
3. That she is not—at least since her conversion—the cause of the break-up of the marriage, or of preventing reconciliation.
4. That she was certainly never baptized before her marriage.
5. That her husband remains unbaptized at the present time.
6. That the husband definitely and expressly refuses to be baptized himself and live in peace with his convert wife (still his wife in spite of their divorce). These questions must be asked the husband after the convert's baptism. Hence the husband must be found. If he simply cannot be found, the Bishop will have to refer the case to the Holy See, or at least to the Apostolic Delegate.
7. That the convert woman has not been guilty of adultery with the Catholic man she plans to marry. Such adultery,

combined with an agreement of future marriage, would cause an impediment of crime, which would prevent their valid marriage. For sufficient cause the Bishop can dispense from this impediment.

If he finds the right answer to all these questions the Bishop can permit the convert to marry a Catholic. This marriage, when it takes place, will dissolve the previous one. This is the privilege of St. Paul (I Cor. 7: 10-15).

Q. Does the Pauline Privilege apply if the parties are both baptized non-Catholics, or if one is a baptized non-Catholic and the other unbaptized?

What if one party is a fallen-away Catholic and the other a non-Catholic either baptized or unbaptized?

A. The Pauline Privilege may be used ONLY to dissolve the marriage of two people who were BOTH NON-BAPTIZED at the time of their marriage. One of the parties must remain unbaptized at the time the privilege is used, and the other must be a convert, baptized since the marriage.

If both parties were baptized non-Catholics, and their marriage was valid, there is absolutely nothing that can ever be done about it. Their marriage is a sacrament and it lasts until death.

Even if they were not both baptized at the time of the marriage, but got baptized while still living together, there is nothing which can be done to dissolve their marriage. It became a sacrament the moment they were both baptized. Once a sacramental marriage is consummated by marital relationship there is no power on earth which can dissolve it.

If only one of them has been baptized, and the non-baptism of the other can be clearly proven, then I would suggest that the interested party take the matter to the pastor and ask him to submit it to the Bishop. Maybe something can be done. It is not a case for the Pauline Privilege; but neither is it a sacramental marriage. It would have to go to the Pope, himself, but maybe he could dissolve the marriage in favor of a good, sincere convert.

The case of a fallen-away Catholic is quite different. If

the marriage was before a priest, better give up any hope of doing anything about it. But if it was before a justice or a minister it was probably invalid. A Catholic, even though fallen away, can only be married validly before a priest. So his marriage to a non-Catholic, whether baptized or unbaptized, if not before a priest, would be invalid because of lack of form (Canon 1094). His marriage to a non-baptized person would also be invalid because of the impediment of disparity of cult (Canon 1070).

Q. A Catholic woman married a convert, who had been married three times before he became a Catholic. She says it was permitted by the Pauline Privilege. It doesn't seem probable to me that all three of his wives were unbaptized.

A. It is not necessary that all of them were unbaptized, only the first. The second and third were never his wives, anyway, only concubines. He was validly married to the first one; so he couldn't marry a second or third while she was living.

Now, after his conversion and baptism, the privilege granted by St. Paul the Apostle permits him to marry a Catholic, thereby dissolving his first valid marriage to an unbaptized person, who has left him and refuses to live with him. (First Epistle of St. Paul to the Corinthians, 7:12).

I must say that this Catholic woman has supreme confidence in her feminine powers, to think that she can hold this converted rover after three others have failed.

Q. Why is there a charge for a marriage case? Wouldn't it be for the good of the parties if there were no charge? A friend of mine had to pay $150. Another friend, a relative of a priest, didn't have to pay anything.

A. I shall answer your question as Officialis of the diocese, and reveal to you some facts about my own office.

There is often a charge for handling a marriage case because of the expenses involved. Somebody has to pay these expenses. Who should it be? The interested parties? The priests? Or you and your neighbors—the faithful of the diocese?

Actually, much of the expense of every marriage case is borne by you and your neighbor, who contribute to the support of the diocese. The charge we make against the interested parties only lessens your burden a bit.

Much of the expense of marriage cases is borne by faithful pastors and assistants, who spend hours filling out papers and driving a few hundred miles to obtain the testimony of unwilling and insulting witnesses, all without any compensation, except the spiritual reward they will receive in heaven.

Much of the expense of marriage cases is borne by a dozen self-sacrificing priests who serve on the matrimonial court without any compensation, but often at considerable personal expense, and in addition to their regular duties as pastors, assistants, professors, and chaplains.

Besides these 12 unpaid members of the court, there is one priest expressly assigned to these cases. He finds it practically a full-time job. He must be paid some sort of pittance. He had to be prepared for this work by years of special study in Canon Law, at the expense of the diocese. Some of the other 12 priests had to have this special study, too.

Then there must be a full-time stenographer and secretary to take care of correspondence, copying, filing, and other office duties. Even if she is poorly paid, her salary will be $2,000 a year—and she earns it.

Then there is the expense of maintaining an office. We have no system of cost accounting, but by conservative guess, that expense must exceed the salary of the secretary, even though the diocese owns the building.

That adds up to at least five thousand dollars a year in overhead. Then each case may present special expenses for documents, telephone calls, postage and registration fees, and the like.

We handle about 120 marriage cases a year. For at least half of them we receive nothing from the parties, because they are unable to pay, or it is judged inadvisable to request payment from them.

That leaves about fifty or sixty paying cases. The charge on them ranges from $5 to $50, depending on the amount of

work and expense involved. For nine cases out of ten, the charge ranges between $5 and $15. Suppose we take fifteen as an average. Sixty cases at $15 each brings us $900 to balance against five or six thousand of expense—not counting the donated services of a hundred priests in this diocese and in others throughout the country.

Your friend who paid $150 must have had her case appealed, either to the Archdiocese or to Rome. She got at least two trials for her money. We have no such charge here. Our top fee is $50, and this is for a formal case, which usually requires the work of six or seven priests and several days of our secretary's time, not to mention a ream of paper and assorted headaches.

Of course we do have to collect more for cases which are sent to Rome—often a total of $75 or $100. The greater part of this is sent to Rome, where they make just about as much money on marriage cases as we do—a 500% loss. You and I eventually pay that loss by our donations.

Incidentally, these cases which go to Rome have to be translated into Latin, and they may total a hundred pages. What would be your charge for translating a hundred pages of documents and testimony into Latin?

If people who present marriage cases were to pay what it actually costs to handle these cases, the charges would probably be ten times as high as they are.

Q. In answering that question about the charges made for marriage cases you said that you were writing as the Officialis of the diocese. What kind of person is that? How are marriage cases handled anyway?

A. Most marriage cases begin in the parish. They are brought to the rectory by the interested parties, or they are discovered during parish visitation by one of the priests. The first thing the priest does is to present the matter to the Chancery Office, usually in brief written summary. From that point on almost anything can happen, depending upon the type of case involved, the administrative set-up of the Chancery Office, the truth of the claims made, the availability of proof, and the

cooperation of parties, witnesses, and priests delegated to take testimony.

I should first explain briefly the organization of the Chancery Office and the Tribunal—usually called the matrimonial court. In most dioceses of the United States the Chancery Office is the administrative office of the Bishop. It executes his orders, sends out his letters, grants dispensations, receives parish reports, keeps the files and the accounts, takes in diocesan collections, and cares for a thousand details. In doing these various things the Chancellor uses authority delegated to him by the Bishop.

Each diocese has a Vicar General—a sort of second self for the Bishop. In some places he is active in administrative affairs, but usually in smaller dioceses he is kept around to fill in when the Bishop is sick or away from the diocese. It is not often that he has much to do with marriage cases.

Each diocese has an Officialis. He represents the Bishop in judicial matters. He is the judge. In many dioceses he is also delegated by the Bishop to handle administrative matters relative to marriage cases. In other dioceses these administrative matters are handled by the Chancellor, a Vice-Chancellor, a Secretary, or a Notary. In our diocese the Officialis does it, and the procedure I will describe is largely our own.

To help the Officialis judge certain types of marriage cases there are a number of Synodal Judges—not less than two nor more than twelve.

Each diocesan court has a Defensor Vinculi—defender of the marriage bond. It is his primary duty to see that no marriage is declared invalid unless it really is invalid and is proven to be so. Nothing moves in a marriage case without his O.K. And he can always appeal if he isn't satisfied. And sometimes he has to appeal.

Nothing can be done without a Notary. Written things have little or no value unless he signs them. He is appointed by the Bishop like all the other members of the court; and he joins the others in taking a solemn oath of office.

The diocese has a Promoter of Justice—a sort of ecclesiastical district attorney—who looks after the public interest.

He sometimes appears in marriage cases. Then there are a variety of other officials who serve notices, execute decrees, etc. They are often delegated as needed.

There are four types of marriage cases, each of which receives a different process of handling:

1. ADMINISTRATIVE CASES. These are not handled by judicial process; they are not tried in court. They require proofs and careful judgments, but these are made by the Bishop or by someone delegated by him. In our diocese the Officialis is the one delegated. Two types of cases are handled in this way:

a. DEFECT OF FORM—more properly called TOTAL ABSENCE OF THE FORM OF CANON 1094. When a Catholic attempts marriage before a justice of the peace or a minister the nullity of his marriage is readily apparent. Proof is simple: a baptismal certificate, a marriage certificate, and maybe a little testimony or a search of official records.

b. PAULINE PRIVILEGE. The non-baptism of both parties must be proven with certainty. Interpellations must be made; that means that explicit questions must be presented to the pagan party—the one remaining unbaptized—asking his, or her attitude about becoming a Catholic and effecting a reconciliation with the convert.

2. INFORMAL CASES, also called documentary cases (because the proof is mostly by official documents) or 1990 cases (because they are described in Canon 1990). These are real judicial cases—court trials. But they are handled by one judge, formal procedure is cut to a necessary minimum, and the proof is very clear and certain—usually by documents like marriage and baptismal certificates. There are seven types of cases which can be handled in this way, but practically the only ones we often see are:

a. Disparity of Cult—when a baptized Catholic has tried to marry a non-baptized person, without a dispensation from this impediment.

b. Consanguinity—blood relationship.

c. Ligamen—bond of a previous marriage. These are the most common. They are usually presented by converts, or by non-Catholics wishing to marry Catholics. They are apt to be a bit complicated, but if you get enough marriage certificates and divorce decrees, and keep them all in the proper order, the pattern of proofs will gradually emerge.

3. ROMAN CASES. These are cases which the Bishop prepares and sends to Rome—usually to the Holy Office or the Congregation of the Sacraments. They are usually "Privilege of the Faith" or "Non-Consummation" cases. The Bishop delegates a special "Court of Instruction" to prepare these cases—and for the second type of case he needs special authorization from Rome to delegate the court. In our diocese he uses the Officialis to head these courts and look after the details.

4. FORMAL CASES. These are the real headaches. Each case must be tried by a court of three judges. Exact procedure must be followed or the whole trial is invalid. Witnesses must be formally questioned. Everything must be in writing, parts of it in Latin—and the pages mount to many score. The notary must sign everything. The Defender of the Bond has to be in on every step. And the final decision keeps the judges awake nights. The law is apt to be complicated, the proofs hard to estimate, and various intangibles —such as intention—difficult to evaluate. But the marriage cannot be declared invalid unless the proofs are found certain and conclusive by the judges.

After a final decision in one of these formal cases you have sometimes only well begun. If the decision is negative (marriage not invalid) the interested parties can appeal. If the decision is affirmative (marriage is invalid) the Defender of the Bond must appeal. And then the whole thing has to be tried over again in another court—usually the Archdiocese

If the two courts agree, that can finish the matter, unless someone insists on further appeal. But if they disagree there is almost certain to be another appeal—this time to the Roman Rota. But that's a long story all by itself, and this one is now long enough.

Q. I have a friend who was married a few years ago. He was Catholic, and so was the girl. They were married in the Church. After two months she decided he wasn't the guy she wanted; so she left him and got a divorce. She is now living with her fourth husband.

Isn't there any way my friend can get his marriage cancelled and still remain in the Church? He would like to go out with girls, but doesn't want to give them a reputation of dating a divorcee. It would really put his mind at ease if he could just know that he could get married in the Church, if he ever wanted to marry again.

It seems such a pity that just being married two months can wreck his whole future when it really was an unforeseen mistake.

A. I don't know your friend, but I find myself admiring him. He is a hero; and it is well, because a hero is just what God is asking him to be. If he is to serve God and save his soul, he will have to keep on making heroic sacrifices of marital happiness. He has a wife, even though she is a bum. So he cannot have a second one. That would be bigamy. A decent married man does not go out with girls. So your friend behaves himself. God bless him and reward him.

The Church does not go about "cancelling" marriages. She wouldn't do it for Henry VIII; so she lost all England. She won't do it for your friend, even though he lose his soul and drag someone else down to hell with him. She will not, because she CANNOT. It is a law of God. The Church cannot break God's laws.

The Church would like for your friend to have his mind at ease. Peace of mind is good for the soul. But not peace at any price. We will never acquire real peace of mind by breaking the law of God. We do not always find peace the easy way. It sometimes takes heroic sacrifice. I think your friend has found the way.

It is a pity, indeed, that just one marriage should "wreck his whole future." But polio, or T.B., or an auto wreck might do as thorough a job, and just as quickly. You are wrong in supposing that "two months" of marriage wrecked his life. It was much quicker than that; it was done in an instant—

that instant in which he said: "I will." You see, he married for life. He made a solemn, sacred contract before God and the Church, and he knew well that there was no backing out once it was made. God give him strength to keep the contract he made.

And may God protect other young men from making such contracts with bums! And protect good young girls, too, from giving themselves for life to handsome hopeless hoboes.

At least half the answer is in choosing the right gal, or the right guy. It's hard to be sure, of course, but it will help to use your brains. Lead with your head, not with your heart. The first choice has to be the right one.

Your friend should talk his case over with a priest of course. There is about one chance in a million that his marriage might have been invalid for some reason which you have not indicated. If the marriage is not invalid, he should accept facts as they are, and continue to live as a married man—whose wife is away. He must be careful not to go to hell, himself; because he would surely meet her there.

Q. I have a question concerning a close friend of mine. Would you please answer it right away in "The Question Box"? The question is: Is it at all possible for a Catholic man to be married by a priest if this man marries a twice-divorced woman, and this woman is willing to become a Catholic? The two ex-husbands are living, but neither the woman nor her ex-husbands are baptized in any faith, I think. If this Catholic man cannot marry in the Church, and marries outside the Church, would he have to give up his religion and could not receive the sacraments ever?

A. It is never possible to give a definite answer in a marriage case until all the facts are known with certainty. Your friend should go to see his pastor and take this woman with him. They should give the pastor all details: names and addresses of all parties, dates and places of marriages and divorces, etc.

The pastor will refer the case to the Chancery Office. The priests whom the Bishop has appointed for this work will then make the necessary investigation, obtain documents and the

testimony of various people. On the basis of the information and proofs thus obtained the Bishop will decide what can be done in the case, in accordance with the laws of God and the Church.

In this case, IF it should be positively and certainly proven that neither this woman nor her first husband was ever baptized, IF it was the first marriage for both of them, IF the woman takes instructions and becomes a Catholic, and IF her first husband positively refuses to live with her after she is baptized, then she may be permitted to make use of the PAULINE PRIVILEGE to marry a Catholic man.

What about her second husband? Well, he will have to be contacted and some investigations made, but IF all the IF's above are verified, her "marriage" to him was never a real marriage at all, but only legalized bigamy, because she had one husband all the time (her first) and she could not marry another validly while he lives (except by the PAULINE PRIVILEGE). So the bishop will declare the second marriage invalid.

Does that all seem complicated? It seems that way because it is complicated.

Now as regards your final question: If your friend should try to marry this woman outside the Church, it would only mean that her bigamy had now become polygamy. They would not be married at all. He would be living with another man's wife—and of course he could not receive the sacraments while he continued to live that way.

Q. A non-Catholic girl marries a Catholic boy in a Protestant church. Later on they get a divorce. Then the girl meets a Catholic boy and joins the Catholic Church for him. Can they be married in the Church? How long is it usually before such a case is passed on?

A. Presuming that your facts are correct, they can be married in the Catholic church. The case can be decided just as soon as a few essential documents are presented to the Chancery Office. See your pastor. Don't trust Question Box editors on marriage cases.

Q. Can an unbaptized girl, who married a baptized Catholic boy in the rectory, get a divorce and then become baptized in the Catholic Church and marry another Catholic boy in the Church?

A. No, probably not.

Q. When a Catholic man or woman who has been married in the Church gets a divorce can either of them be married again?

2. If so, can they marry in the Church?

3. If they do marry again, do they have to give up all their religion or only the sacraments?

A. 1. The answer to your first question is: NO.

2. Since the law of God forbids their marriage, it is quite apparent that they cannot marry in the Church.

3. Of course they need not break the nine other commandments just because they break the sixth. They won't necessarily lose their faith, but it may make them so uncomfortable in their sinning that they will push it out of their minds. The Church will not keep them from Mass, which they are still obliged to attend. Maybe when the final judgment is made hell will be made a little more comfortable for them because they kept the other commandments; but it will still be hell.

Q. I have a Protestant friend who was married to a Catholic by a priest, but he claims to have a certificate stating that this marriage was annulled. Later he desired to be married to another Catholic girl by a priest, but was told that he could not be. So they married outside the Church. I contend that if the first marriage was actually annulled, they could be married in the Church. Am I right or wrong?

A. You are right—unless we are all misunderstanding each other. What does your Protestant friend mean by an annulment? Maybe he has a decree of annulment from the civil court. If so, that would mean no more than a divorce.

Apparently you understand him—and I understand you—to mean that he has a decree of nullity from the Church

Court. I would frankly disbelieve this claim, until I saw the decree. The odds are a thousand to one against it.

If he actually did have a decree of nullity from a Church Court he could have married the second Catholic girl before the priest.

What secret attractiveness does this bigamous heretic have for Catholic girls anyway?

Q. Is there any way a divorced man, married to a Catholic outside the Church, may become a Catholic?

A. There might be. It would depend upon his sincerity, and the validity of his first marriage, or the possibility of a dissolution of that marriage by the Pauline Privilege. He should go to see a priest. Each marriage case is a separate problem. No general answers can be given.

Q. Two non-Catholics, both baptized, were married legally before a Justice of the Peace. Call them John and Mary. One was an Episcopalian and the other a Baptist. After a divorce from John, Mary married James, a baptized Lutheran. Now they are divorced, and James wants to marry a Catholic. Is he free to do so? Both John and Mary are still living. Would it make any difference if John were to die before James marries his Catholic girl-friend?

A. I would say that James is as free as any other Lutheran to marry a Catholic. There is an impediment of Mixed Religion, of course. The usual instructions will be required, and the promises signed.

A declaration of nullity is required, but apparently James was never married to Mary. He couldn't marry her because she had a living husband, John. They went through a civil ceremony which made their adultery look nice to their uncritical neighbors. But it was still adultery—except that they might have been in good faith.

Don't worry about John. Even if the poor man dies you can still marry James. He had done his part by remaining alive until the time of the marriage of Mary and James. His living made their marriage invalid. He might die afterward,

but their marriage would remain invalid, even though they were still living together.

Q. I am a Catholic girl 20 years old, very much in love with a non-Catholic man. He has been married and was divorced four years ago. If I marry him will I lose the right to receive the sacraments? He has made a mistake once, but is willing to join the Church, if permitted.

A. Take the matter to your pastor or some other priest immediately.

Remember that no two marriage cases are exactly alike. All the circumstances must be known before any answer can be given. The priest will want to know when and where this man was married, whether his first wife had been previously married, whether either of them had been baptized, etc.

You ask if you would lose the right to receive the sacraments. You certainly would if you tried to marry this man outside the Church. But much more important, you would probably go to hell. The sacraments would not be taken away from you simply as a punishment to show that the Church was displeased. You simply could not receive the sacraments because you would be committing sin constantly, living scandalously with another woman's husband. How could you make a good confession? How could you firmly resolve to amend?

Remember these two points: (1) His divorce did nothing to his previous marriage. If it was valid, it still exists. (2) You, as a Catholic, cannot marry anyone except before a priest and two witnesses. A marriage attempted before a justice of the peace or a minister is simply play-acting.

Q. A young couple married in the Catholic Church. Later they divorced and the wife remarried by a minister. Then she divorced this second man and remarried the first one in the same Catholic Church where the first marriage had taken place. Now she is again divorced and claims to be preparing to marry again in the Catholic Church to still another man. Please explain. Is this lady still Catholic? Can she remarry the second and third times in the Church? The first husband is still living.

A. What a woman! She certainly tries to keep married life from being monotonous.

When she married that first time in the Catholic Church she married until either she or her husband should die. Both are still living. So that marriage is still in force. Whatever arrangements she makes with other men, poor No. 1 is still her husband. The others are just . . . men. The forgiving fellow was willing to take her back after No. 2 was through with her. Maybe he will still be around after No. 4 has had enough. He is her only husband, and the only time she is living as a Catholic should is when she is living with him.

Of course, that second marriage—the one before a minister—was no marriage at all; only a public agreement for illicit cohabitation. When she went back to her first husband, no marriage ceremony was really needed—only confession and absolution from excommunication. But the laws of the state required a marriage ceremony; so the Church had one; just to fulfill the state law. It didn't mean a thing. They were already husband and wife.

You may be sure that the new marriage she is now planning will not take place in the Catholic Church—not while that poor, faithful, long-suffering husband is still alive. She is his until death. And I imagine we are quite agreed that he can have her!

Q. My husband and I are divorced. We are both Catholics. He is going to marry a Protestant girl now, who is getting a divorce. He will probably have to be married by the justice of the peace, won't he? Would a priest marry him when he has a legal wife (me)?

A. No priest will marry him. He cannot get married. He has one living wife (you). He can't have two. The most he can do is make "legal" arrangements to live in adultery with another man's wife (her). He will get himself excommunicated in the process.

Q. A Catholic woman has been divorced, and has married again to a non-Catholic, who is also a divorced person, in a civil

ceremony, of course. Just what is the status of this couple? May she attend Church or receive the sacraments?

A. Presuming that the facts are as stated: these people are living in adutery. The woman can attend church; she will not be the only sinner present. But she cannot receive the sacraments. She could not possibly make a good confession. It would be utterly ridiculous for her to swear she will sin no more when she fully intends to sleep with another woman's husband that very night.

Q. In a mixed marriage, both parties baptized and married by a priest, a divorce is granted. The non-Catholic marries a Protestant and then they get a divorce. Is there any way possible for the first two to be married again?

A. They don't have to be married again; they are still married. In the eyes of God and His Church — i.e., in actual fact — they are still husband and wife. All that is necessary is that the civil formalities be taken care of. A license, a couple of witnesses, and the priest can complete the requirements in a few minutes.

When these parties were first married they took each other, for better or worse, until death should them part. Things were worse than they expected, and something parted them for a time — but it wasn't death. They remain married as long as they both live.

Q. A non-Catholic woman married a Catholic man before a justice of the peace. I know that the Catholic church does not recognize that this Catholic man is married. But if this woman divorces him is she free to marry another Catholic man in the Church?

A. As free as any other non-Catholic woman would be. There must first be a careful investigation to see that the allegations conform to the facts. Then, of course, she will have to take some instructions, sign the pre-nupital promises, and get a dispensation. Or maybe, since she has such a pronounced preference for Catholic men, she may want to join the Church herself.